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No 09-825

Supreme Court, U S
FILED
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OFFICE OF THE CLERK

In the
Supreme Court of the United States

GEORGE E. BURDICK
Petitioner

V.

PTITCHETT & BURCH, PLLC.
LLOYD C. SMITH JR,.
REGINA PARKER
SAMUEL GRIMES
CHRISTOPHER B. McLENDON
Respondents

ON PEITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE FOURTH CIRCUIT

PETITION FOR REHEARING

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A truthful authority on the Constitution and Law

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33 East College Street, Hillsdale, Michigan 49242

By Andrew C McCarthy
A Deputy U S Attorney (18 years), in the South District of New York

He led the terrorism prosecution against Sheik Omar Abdel Rahman and 11 others in connection with 1993 World Trade Center bombing and a plot to bomb New York City Landmarks

Following the 9/11 attacks, he supervised the Justice Department's Command post near Ground Zero He has also served as a Special Assistant to the Deputy Secretary of Defense

He has served as adjunct professor at Fordham University's School of Law and New York Law School

Attorney McCarthy writes widely for newspapers and journals, including National Review, the Wall Street Journal, and USA Today

He is author of the book **Willful Blindness, A Memoir of the Jihad**

The distinguished Andrew C McCarthy is a Senior Fellow, of the National Review Institute,

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PETITION FOR REHEARING

Petitioner respectfully petitions for rehearing of the Court's March 22, 2010 Order Petitioner respectfully requests that this Honorable court grant a rehearing, because in four and three fourths years no court to which this mistreated father has exposed fraud by all the respondents has given this tortured parent of five stolen children one second to speak directly to a higher court judge, in State or Federal Court to prove petitioner has done no wrong, that every Order and Judgment by the Respondent judges in this case, as well as the latest Judge Michael A Paul added as a party in this miscarriage of Justice, are based on fraud, and violates petitioner's Constitutional and Civil Rights

The former U S Attorney of eighteen years, is summarizing what this loving father has written in over a thousand pages of truth submitted into this court record, that have been dismissed by arrogant lawyers for money and judges who have abused power to which they are not entitled according to the rule of law embodied in our precious Constitution, which they have ignored Petitioner chooses to title the following Senior Fellow, U S Attorney Andrew C McCarthy's words as a "wise summary" of why this petitioner has been denied justice for the past four years and nine months that is recorded in appeals and exhibits I have submitted,

Exact quote from Attorney Andrew C. McCarthy

A WISE SUMMARY

"It has become fashionable these days to invoke the "rule of law" as if it means the rule of lawyers—and in particular the rule of judges But that has never been the term's meaning In

> the U S , the rule of law is embodied in the Constitution and resides in the statutes, Treaties, rules, and regulations adopted pursuant to the Constitution The rule of law does not refer either to judges or to elected officials, who are themselves servants of the Constitution "

Petitioner has never been judged by "the rule of law" but only by the unconstitutional "rule of lawyers" and "rule of judges", who should be, but have not been, in U S Supreme Court Case 09-825, or U S Fourth Circuit Court of Appeals Case 09-1216, cleared of the fraud they committed in North Carolina Second Judicial District Court Case No 05-CVD-406

Respondent Judge Regina Parker allowed Respondent Lawyer Lloyd C Smith Jr to change District Court Judge Regina Parker's legitimate Bench Order, recorded on the Court's Tapes and Transcription, after his client had violated her Order, and the changed written Order was not signed by Respondent until over a month after it was unlawfully ignored upon advice of Respondent Lawyer Lloyd C Smith Jr to his client Petitioner never received the ordered benefits of the original legitimate Order by Respondent Judge Regina Parker during any of the following four years and nine months, due to the fraudulent and unconstitutional actions of both Respondent Lawyer Lloyd C Smith Jr and Respondent Judge Regina Parker

Respondent Judge Samuel Grimes continued the above injustice against Petitioner in a Judgment Respondent Judge Grimes signed that was also written by

Respondent Lawyer Lloyd C Smith Jr , containing sixty seven, (67), so-called Findings of Facts, of which Fifty six, (56) are fraudulent untruths These fraudulent assertions called Facts were invented by Respondent Lawyer Lloyd C Smith Jr , so as to unconstitutionally slander Petitioner, and steal Petitioner's assets, but Respondent Judge Samuel Grimes, in collusion with Respondent Lawyer Lloyd C Smith Jr , signed said fraudulent Judgment, that has denied Petitioner justice during the past four years and nine months

Two other Judges, Respondent Judge Christopher Mclendon and a later party in this case, Judge Michael A Paul, both of whom are under the supervision of Respondent Chief Judge Samuel Grimes, and work out of the same local Second Judicial District office, have committed unconstitutional acts and fraud which is described in detail in Motions, Exhibits, and discussions already submitted and/or available to the U S, Supreme Court The above listed Judges and lawyer have no evidence to defend their evil actions in front of a Federal Judge and Jury

CERTIFICATE OF GROUNDS

RELATED TO INTERVENING CIRCUMSTANCES OF SUBSTANTIAL OR CONTROLLING EFFECT OR TO OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED

All of the Respondents and/or parties named by Petitioner in this Case No 09-825 are guilty of criminal fraud, which petitioner can prove to a jury, in a Federal Court with an objective and just Federal Judge

EXAMPLES OF UNTRUE STATEMENYS ON THE TAPES AND IN TRANSCRIPTIONS OF THE COURT RECORD·

LAWYER Lloyd C Smith Jr stated in open court more than once, and even submitted a picture as his exhibit, taken by his client, of an alleged "machine gun" Petitioner was accused of keeping in my home These outrageous charges were made against Petitioner during the Judge Grimes Court session The picture this untruthful lawyer assured the Court was of a "machine gun" is of the frame only of a "repeating shotgun", that had no cylinder for ammunition, and is most certainly not a "machine gun", or was it ever fully automatic, which Federal Law prohibits private citizens from having in our homes All my children have been taught gun safety

The false picture exhibit didn't bother this dishonest Lawyer Smith and his friend, the dictatorial Judge Grimes, who both used Lawyer Smith's absurd accusation of a frame no more harmful than a plastic toy, to serve as an excuse for portraying this loving Dad as a threat to my five children This frame of a low power shotgun is inoperable today, and when it did work over twenty five years ago, my legal shotgun, never a machine

gun, only accepted low power shells Lawyer Smith had perpetrated an outrageous fraudulent hoax upon the court presided over by Judge Grimes, which they together used outside of the courtroom proceeding used as a pretense to order me to have a mental evaluation, before I could regain custody of my five children, I had been the primary caretaker of since they were all born

Is the above an isolated example of distortion and fraud used against Petitioner in the Court record pf Case 05-CVS-406 Of course not, only one of dozens of untruths approved by a judge's words and/or signature affixed to an Order or Judgment Here's an example from Judge Regina Parker's Court

A direct quote from Judge Regina Parker shows the following in Court Tapes and a transcription of those tapes Judge Parker said, on page 184, of official transcriptions,

"based on the consideration of comments that deeply disturb me concerning the children having food to eat, the children on one (1) occasion drugged by their hair, the children being tied in their seats, the babies, the court is disturbed by this activity"

The Judge continued, "it was stated, of course, that the Defendant, excuse me the Plaintiff in this case entered into that activity with the children I am deeply disturbed about that I am at this time based on all the testimony, not having anything to do with racial issues or any such things, it is based on the evidence that was presented here today in this court and what I heard in those chambers back there "

The underlined comments alluded to by Judge Parker above are just that, "Comments" from Lawyer Smith and any untruthful witnesses he put on the stand that he coached and suborned to commit perjury, that was not backed up by any facts or proof

I had been feeding my five children for years, the best of food, Including steaks out of our freezers from beef animals raised on our ranch This was a total misrepresentation of how I cared for my children Those who know me confirm, I don't eat junk food or feed it to my children Pastor Earl Brown and his wife who knew our family better than anyone else, during our seven years in Pennsylvania, told the Court The Judge ignored words of our family Pastor and his wife who raised ten children of his own and supported me as a caring and competent loving father they knew well from observing me caring for my children on a regular basis their primary caretaker, while my wife was away from home attending to career duties many miles from home on a daily basis

Judge Regina Parker's assertion that I "drugged" them across the floor by their hair is not true, and the children will support me Judge Parker is wrong Her grammar was incorrect, since she must have meant "dragged" It never happened! Just ask my children who will confirm this Dad never, not once, abused them in any manner!

Judge Regina Parker claims the Court is "disturbed" that I tied "the babies" in their seats" I took my five children to a Day School in Southern Pines, N C from our rented home in Hoffman, N C in my extended cab truck My twin girls Jenni Lee and Edithann were four years old and riding in the back with their older sister Odessa, who was six years pld One morning

during the twenty plus mile trip, Odessa said "Daddy, Jenni Lee and Ethann are taking their shoulder straps loose and crawling out of their car seats."

I pulled my vehicle off the road and opened the back door to talk to my twin girls. I explained to my daughters that the safety belts were to keep them from getting hurt if we were involved in a wreck and that they should be securely fastened in their car seats. I took a small rope and tied a hard knot around Jenno Lee's safety belt and asked her to untie it. She couldn't, so I untied the knot and told them I didn't want to tie their belts together, so they could not undo the straps. Both of my lovely twins promised to not undo their safety straps, if I wouldn't tie them together with my rope. It was a deal, between a father, and his twin girls in the interest of highway safety. I got back into my driver's seat and we continued on to their school.

Later,, when I was driving down the road and any of my older three children would see one of the twins undoing their safety belts, somebody might say, "Daddy, Eidthann is trying to unbuckle her car seat". I would simply tell her to buckle it back, so I wouldn't have to tie it with my rope. She would sweetly reply, "O K Daddy I'll not unbuckle it so you don't have to use your rope". A loving Daddy was gently using a little psychology to emphasize safety to his children.

Lawyer Smith's and Judge Parker's version of what actually happened, was that I tied the children in their car seats and drove down the road with them. How would they get out if there was an accident? Indeed, so I never did what Judge Parker accused me of and listed as a criticism of me, while saying, "the court was disturbed that I tied the babies in their seats". Lawyer Smith and

the judges always distorted everything I had ever done with my family, and totally misrepresented the truth in my caring for my children, by inserting fraudulent criticism of every event in my family's life

I have never been charged with committing a crime in my life but the entire Court Case 05-CVD-406 record, all judgments and orders by all four judges, that were always written by Lawyer Smith and his law firm, are the result of perjury and fraud designed to hurt my reputation and justify the theft of my children and most of my assets Courts are supposed to deliver justice, and not engage in cruel and unusual punishment of caring parents, who have done no wrong !

Judgments and Orders signed by Respondent judges, after being written by a self-interest opposing lawyer, rather than the judges themselves, and not based on facts, are, in addition to violating Petitioner's Civil and Constitutional Rights explained in hundreds of ignored pages of hard evidence contained in exhibits, rift with "cruel and unusual punishment" designed to destroy a decent father's reputation and prevent parental bonded love between this father and his children from taking place Petitioner was punished without any element of truth, for invented wrongs, I never committed

The criminal fraud committed involves numerous instances of power abuse by Respondents and Judge Paul, aimed at illegally stealing substantial assets belonging to Petitioner by making up and submitting false exhibits, that are impossible to be true

Respondent Judges have repeatedly shown they don't care about justice, by signing Judgments and Orders totally devoid of facts or truth

There are at least ten Motions still listed on the Local Court calendar that have not been addressed by any Respondent Judges in the State District Court One is asking for discovery, another for a new trial, and such Motions have been ignored for over three years while Petitioner's legitimate legal rights to due process were ignored

Under both State and Federal Law, and certainly under requirements in our Federal Constitution, "a court record based on fraud should be overturned and erased from a citizen's legal record "

A partial Justice can only be received at this time by a Federal jury trial in which Petitioner can face his fraudulent accusers in front of a jury, and prove beyond any doubt, the more than substantial grounds his four years and nine months of intentional torture at the hands of respondents has been a miscarriage of justice that can never be fully reclaimed, but at least can be Constitutionally corrected by just rulings of the Honorable United States Supreme Court

An even better possible solution since so much life already lost can not be relived, is for the Honorable United States Supreme Court,by reviewing the more than compelling hard evidence already submitted, could grant immediate relief of a nature that doesn't require more lost life and fortune to be stolen from Petitioner and his children

Too many years of family love has already been lost because of a corrupt and slow State judicial system, infested with incompetent dishonest judges, who have ruled like dictators with power based on arrogance and deception, but not based on objectivity, equality or Constitutional requirements

CONCLUSION

This entire miscarriage and mockery of justice, involving four years and nine months, with four separate local judges presiding over different sessions of the same case, was never based on "rule of law", but on the dictatorial rule of a lawyer and his Respondent Law Firm, and four judges, All of whom have arrogantly abused assumed power they shouldn't have, and ignored the "rule of Law" embodied in our Constitution ,

Petitioner requested a Federal Jury Trial, and other just rulings, from the U S Supreme Court, since he has not had even one second in four years and nine months to confront these unfit Respondent lawyers and judges, to ask them questions, that will expose their abuse of power, unconstitutional actions, and fraud

Petitioner prays the United States Supreme Court will not deny this American citizen, who has done no wrong, the justice our Constitution states is available to each and every citizen of these United States, according to "equal treatment" under the "rule of law"

I also request that my five loving children be brought to the Supreme Court to appear with me, and remove any doubt about the integrity of their loving Dad I have faith in God, and in the innocent honesty and love of my five children The Honorable Supreme Court Justices would need no other evidence, than to observe us, Dad, my son, and four daughters, reunited in front of the Justices eyes

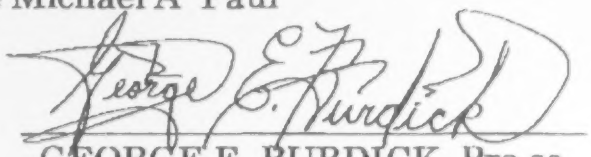
It would be a great victory for family values, much needed by our great Nation, for which this Air Force Veteran has pride and love, second only to the love I will carry to the end of my life, for my family

For these reasons, the petition for rehearing should be granted and petitioner, who has done no wrong, given his rightful access to Justice by objective Federal Judges who should correct the record, though it is now impossible to return to petitioner his dignity and almost five years of his family's love and treasure, that has been stolen from Petitioner by immoral lawyers and arrogant incompetent judges, operating in a corrupt State judicial system, badly in need of reform

Dated May 4, 2010

CERTIFICATE OF PETITIONER

Petitioner hereby certifies that petition for rehearing is presented in good faith Copies have been sent care of U S Postal Service to Counsels of record of Respondents and Judge Michael A Paul



GEORGE E BURDICK Pro se
Petitioner in 09-825

CERTIFICATE OF COMPLIANCE

NO ___09-825_____

IN THE

SUPREME COURT OF THE UNITED STATES

GEORGE E BURDICK PETITIONER

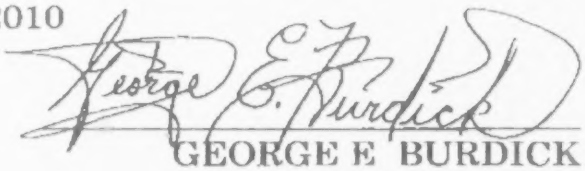
VS

PTITCHETT & BURCH, PLLC
LLOYD C SMITH JR,
REGINA PARKER RESPONDENTS
SAMUEL GRIMES
CHRISTOPHER B McLENDON

As required by Supreme Court Rule 33 1(h), I certify that the PETITION FOR REHEARING contains _2,798_____words, excluding the parts of the petition that are exempted by Supreme Court Rule 33 1(d)

I declare under penalty of perjury that the foregoing is true and correct

Executed on May 4th, 2010



GEORGE E BURDICK